IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CIVIL REVISION APPLICATION NO.521 OF 2007

Smt.Draupadi Ramchandra Owal & Ors. : Applicants

(Orig.Appellants-Defts.)

V/s.

Shri Gautam Vithal Pawar : Respondent

(Orig.Resp.-Plaintiff)

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Mr.N.H.Phatak i/b. Mr.J.J.Shah for the applicants.

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CORAM : S.A.BOBDE, J.

DATE : OCTOBER 16, 2007.

P.C.

1. This Revision Application is by a tenant. The Courts below have rendered a concurrent finding of fact that the respondent-landlord is entitled to possession of the suit premises on the ground of bona fide need. The learned counsel for the applicants contended that the Courts ought not to have decreed the suit because in an earlier suit between the same parties, there was evidence to the effect that the respondent-landlord was in possession of three rooms. The learned counsel for the applicants, however, fairly submitted that there is no finding to the effect that there are three rooms and more over, the suit has

been dismissed. Therefore, clearly the finding in the present case that the respondent-landlord has only one room and that is the suit premises cannot be said to be vitiated for not taking into account the so-called finding in the earlier suit.

2. It is clear from the evidence on record that the Court has found that the respondent’s family comprising of himself, his wife, mother, three daughters aged 17, 15 and 13 years and his school going son are residing in a single room tenement admeasuring less than 240 sq. ft. The evidence on record shows that there is no sufficient room for cooking or for sleeping or for children’s study or for taking meal and there is no privacy at all. In fact, the Courts below have considered the allegation of the applicants that the respondent has access to other accommodation and has found that the other accommodation is occupied by the families of his deceased brothers. Having regard to the circumstances of this case, there is no reason to interfere with the finding of fact arrived at concurrently by both the Courts below.

3. The Civil Revision Application is hereby dismissed.

S.A. BOBDE, J.